

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
20 October 2015
(Also the agenda for the Mayoral Committee Meeting : 28 October 2015)**

**8.
ERF 3669, 235 FOURTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA: PROPOSED DEPARTURE: MS R VAN WIJNGAARDEN**

3669 HVK (2971)

P Roux

(028) 313 8900

Hermanus Administration

27 August 2015

1. Executive Summary

An application has been received on 14 May 2015 from Ms R van Wijngaarden on Erf 3669, Hermanus for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 1,2m to enclose the existing balcony with an extended roof and screens on the sides.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Development Plan is attached as Annexure B, while the Motivation Report in support of the proposal is attached as Annexure C.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

6. Background/Discussion/Evaluation/Conclusion

Background/Discussion

Erf 3669, Voëlklip is zoned for single residential purposes and measures 495m² in extent.

The applicant motivates that the owner wishes to enclose the existing open balcony in order to have less exposure to the weather elements when using the balcony. The existing open balcony was constructed on the 1,2m building line

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
20 October 2015
(Also the agenda for the Mayoral Committee Meeting : 28 October 2015)**

as prescribed by the Hermanus Zoning Scheme. The proposed roof of the open balcony will be constructed on the same footprint as the existing open balcony, thus the reason for the departure from the 2m building line as prescribed in the Overstrand Zoning Scheme.

Registered notices were sent to all surrounding affected property owners, and one objection was received against the proposal.

The application was also circulated to all relevant municipal departments.

Discussion

H Crous, Erf 5651, Voëlklip

The objection received from H Crous, can be summarized as follows:

- a) Approval cannot be given because if approval is given then the objector cannot have a reason to complain if in future the proposal has an impact on them.

Applicant's response

The applicant, Ms R van Wijngaarden, appointed Messrs WRAP Consultancy to respond to the objection on her behalf.

Unfortunately the objector does not substantiate the objection with any motivation. It is therefore impossible to ascertain what the grounds of the objection are. It should be noted that the objector is the owner of Erf 5651, Hermanus (Voëlklip). The aforementioned is situated to the west of the subject property and the proposed departure is on the eastern side of the property. Therefore the proposed departure has no impact on the land use rights, privacy etc. of the objector.

Town Planner's comment

This office is of the same opinion as the applicant. Erf 5651 is situated west of Erf 3669 and the proposal is made for the departure on the eastern side of the subject property. Therefore the owner of Erf 5651 will not be affected by the proposed development.

Evaluation

The property is zoned for residential use and is developed as such. All provisions of the former Zoning Scheme were adhered to when the property was developed. Building plans for the open balcony were approved in 2009.

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
20 October 2015
(Also the agenda for the Mayoral Committee Meeting : 28 October 2015)**

The departure is for the relaxation of the eastern lateral building line from 2m to 1,2m. The first storey open balcony on which the roof will be built already exists. No changes will be made to the existing footprint of the dwelling. The proposed roof will be in line with the character of dwelling. Furthermore, the proposed screens will help not to infringe on the privacy of the adjacent property owners. Therefore the opinion is held that the approval of the proposed application will not lead to the character of the area being negatively affected or to the infringement of the privacy of the adjacent property owners.

Erf 3671 is situated to the east of the subject property and is also developed on the 1,2m building line as per the Hermanus Town Planning Scheme and did not object to proposed enclosure of the balcony.

Conclusion

The application is recommended for approval.

7. Financial Implications

None

8. Staff Implications

None

11. Comments from other Departments, Divisions and Administrations

Building Control Department

“Minimal impact to comply with SANS 10400 - supported.”

Engineering Services Department

“No objection.”

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Proposed Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Objection received
- Annexure E: Applicant’s response on the objection received
- Annexure F: Services Report

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
20 October 2015
(Also the agenda for the Mayoral Committee Meeting : 28 October 2015)**

RECOMMENDATION:

1. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for a departure from the relevant Scheme Regulations in order to relax the lateral building line from 2m to 1,2m to enclose the existing balcony with an extended roof and screens on the sides, **be approved**, subject to the following conditions:
 - (a) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage;
 - (b) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (c) that all other parameters as prescribed in the Zoning Scheme be adhered to; and
 - (d) that all the conditions in the Service Report (attached as Annexure F), be complied with.

2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

RESPONSIBLE OFFICIAL :

P ROUX

TARGET DATE FOR IMPLEMENTATION :

11 NOVEMBER 2015

TARGET DATE TO INFORM APPLICANT :

11 NOVEMBER 2015

TARGET DATE TO INFORM OBJECTOR :

11 NOVEMBER 2015

1b7a

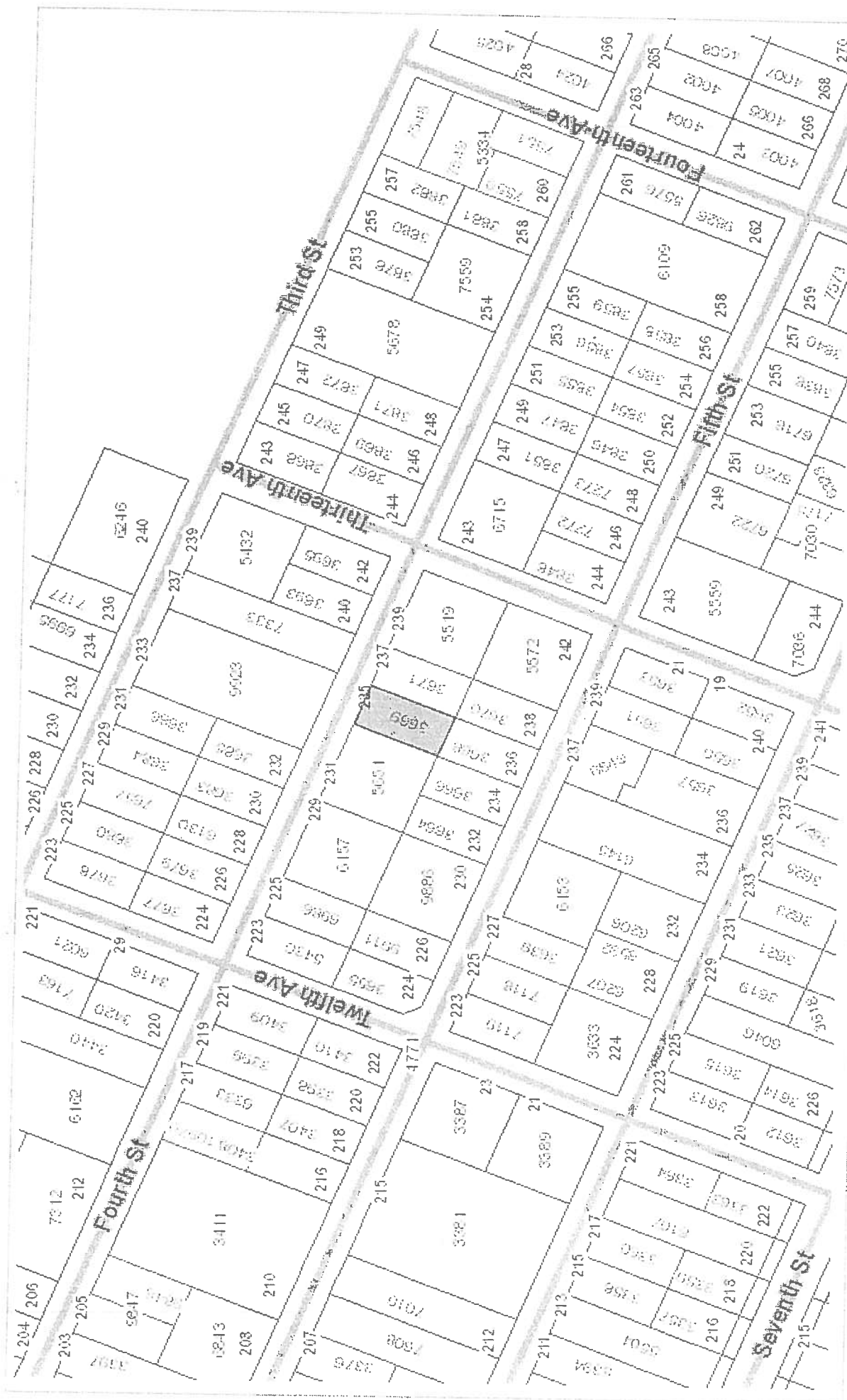
**AGENDA of the
Portfolio Committee : Infrastructure & Planning
20 October 2015
(Also the agenda for the Mayoral Committee Meeting : 28 October 2015)**

**8.
ERF 3669, 235 FOURTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND
MUNICIPAL AREA: PROPOSED DEPARTURE: MS R VAN WIJNGAARDEN**

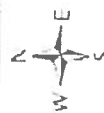
**3669 HVK (2971)
P Roux (028) 313 8900 Hermanus Administration
27 August 2015**

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
20 OCTOBER 2015, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :	P ROUX
TARGET DATE FOR IMPLEMENTATION :	11 NOVEMBER 2015
TARGET DATE TO INFORM APPLICANT :	11 NOVEMBER 2015
TARGET DATE TO INFORM OBJECTOR :	11 NOVEMBER 2015



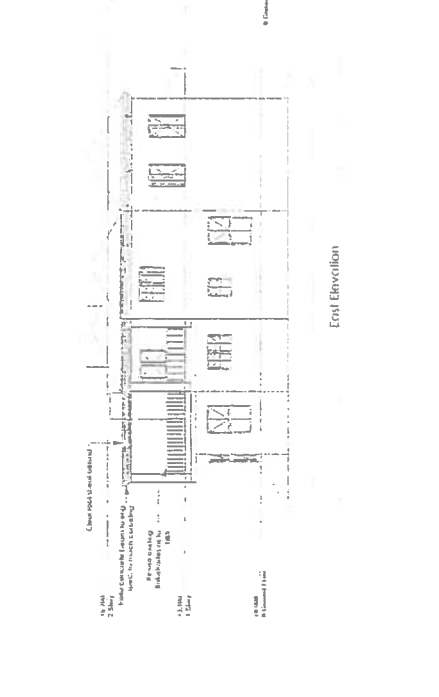
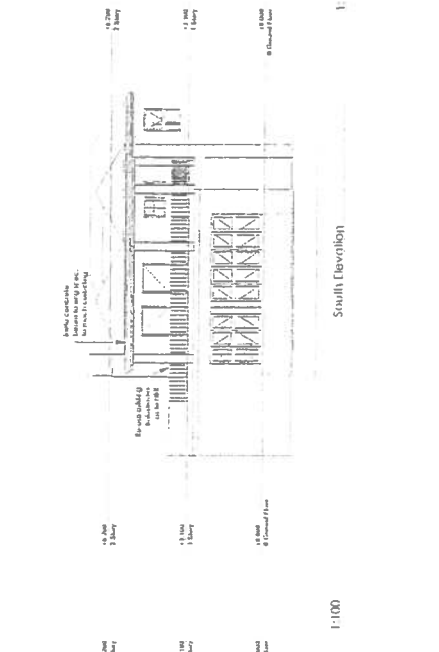
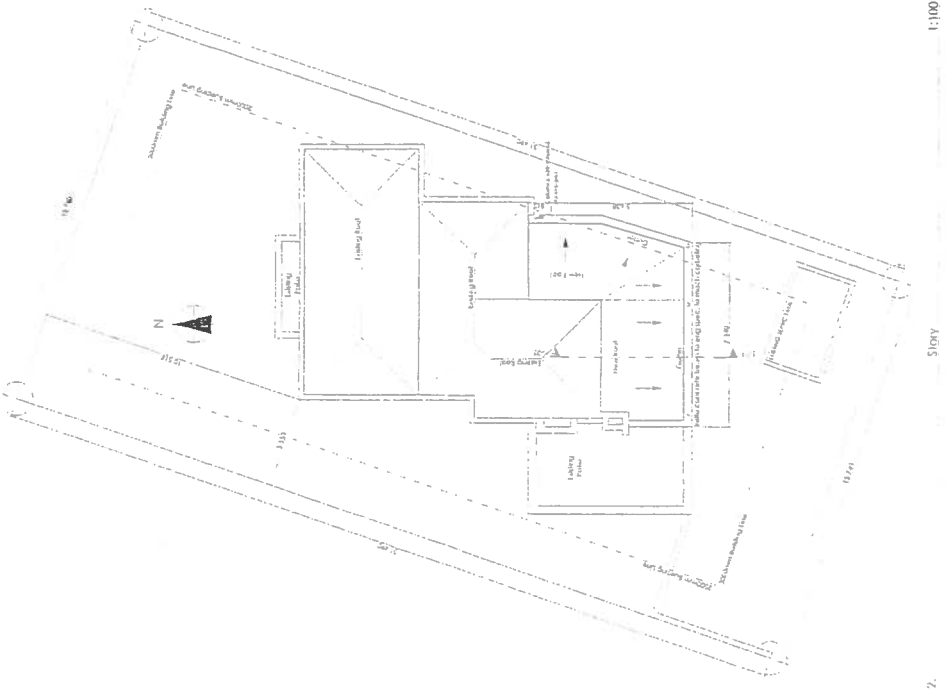
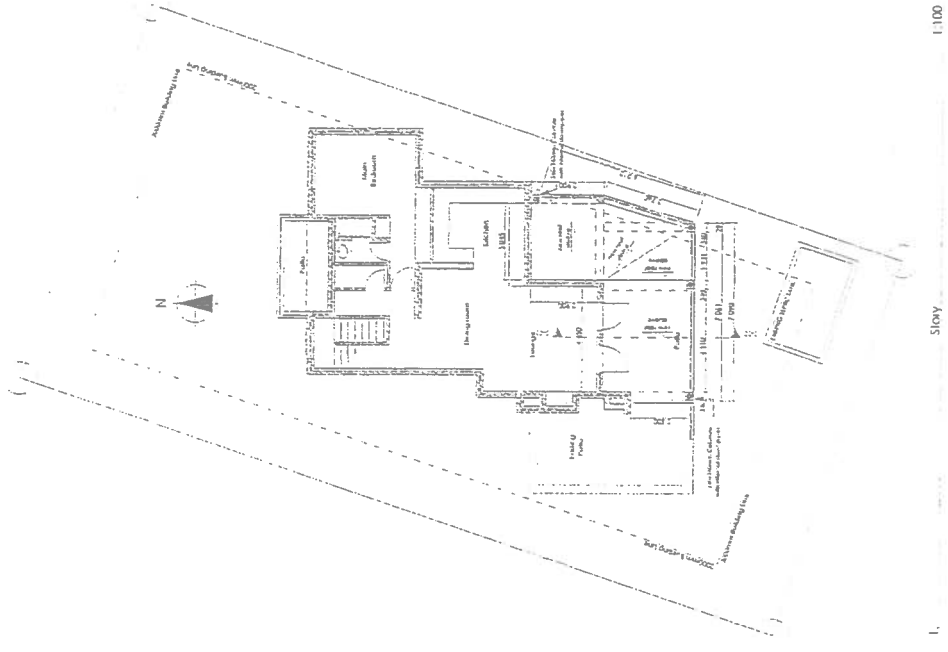
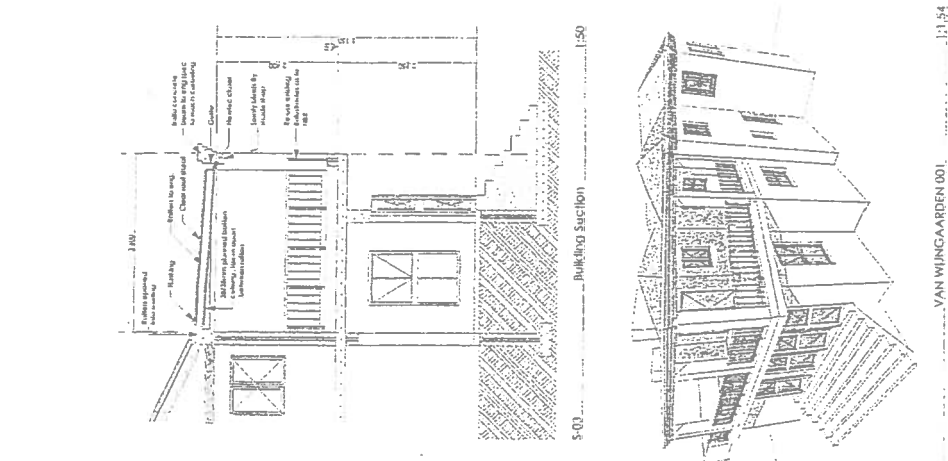
Erf 3669 Voelklip, Hermanus
Locality Map



GENERAL NOTES

- The design of the building is based on the results of the structural analysis carried out by the structural engineer. The design is based on the following assumptions:
 - The building is a rigid frame structure.
 - The floor slabs are assumed to be fully cast in situ with reinforcement.
 - The columns are assumed to be fully cast in situ with reinforcement.
 - The design is based on the results of the structural analysis carried out by the structural engineer.
 - The design is based on the results of the structural analysis carried out by the structural engineer.
 - The design is based on the results of the structural analysis carried out by the structural engineer.
 - The design is based on the results of the structural analysis carried out by the structural engineer.
 - The design is based on the results of the structural analysis carried out by the structural engineer.
 - The design is based on the results of the structural analysis carried out by the structural engineer.

FINLAYSON VAN LER MERWI	
COUNCIL SUBMISSION	
Project Name	FIRST FLOOR BALCONY ROOF ADD.
Client	M/S M/VAN WINGAARDEN
Site	3101 VAN WINGAARDEN ROAD, WESTMEAD NSW 2155
Project No.	1:100-1:50 @A1
Scale	CS 0

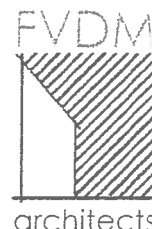


House van Wijngaarden

Erf 3669, 235 4th street, Voëklip, Hermanus

Motivation Report

Date: 08 May 2015



PROPOSED ALTERATIONS AND ADDITIONS TO ERF 3669, VOËKLIP, HERMANUS

SITE DESCRIPTION

The site is situated in Hermanus, Voëklip in 4th street no.235, Erf 3669, residential zone 01.

DESCRIPTION OF BUILDING TO BE ALTERED AND PROPOSED WORK

The site consists of an existing dwelling with an open balcony to the southern side. The building were within the existing building lines in the previous town planning scheme.

The balcony to the southern side are quite exposed and not used that often as might have been intended. The proposed plans include for the enclosure of the balcony by putting on a roof and screens to the sides.

To maintain a good aesthetic and form we proposed to continue upwards with the existing form, but due to to new town planning scheme this encroaches on the eastern building line and we herby do an application for the relaxation on the building line from 2m to 1,2m.

Loretta Gillion - erf 3669 voelklip hermanus

From: "CMV" <cmv@twk.co.za>
 To: <loretta@overstrand.gov.za>
 Date: 18/06/2015 03:56 PM
 Subject: erf 3669 voelklip hermanus



GOLDENHARVEST 19
 PRIVAATSAK X05
 HERMANUS
 7230

TP - A Theart
 (Holivier)

18 JUNIE 2015

AANDAG S MULLER

ERF 3669 VOELKLIP HERMANUS

ONGELUKKIG KAN ONS NIE TOESTEMMING GEE VIR DIE VERSKUIWING VAN VASGESTELDE MUNISIPALE BOUGRENSE NIE, AANGESIEN ONS DAN IN DIE TOEKOMS NIE N VOET SAL HE OM OP TE STAAN AS ONS DIREK GERAAK/BETROKKE IS NIE.

BAIE DANKIE VIR U KONTAK MET ONS

DIE UWE

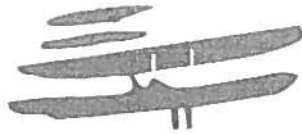
MEV H CROUS
 ERF 5651 VOELKLIP



This email is free from viruses and malware because avast! Antivirus protection is active.

FILE NO:	EL 3669-HVK
SCAN NO:	
COLLABORATOR NO:	792429

TP



WRAP



TP - A Theart
(C H Olivier)

ESTABLISHED 2002

Town and
Regional
Planning

Municipal
Legislation
and Procedures

Local Economic
Development
Technical
Assistance

1 Myrtle Avenue
P O Box 1247
Hermanus
7200

Tel: +27 (0)28 313 1411

Fax: +27 0865083248

Email:
wrap@telkomsa.net

Web:
www.wrapgroup.co.za

Wright Approach
Investments 136 CC

Reg No
CK 2002/060745/23

Our Reference: 15/034

22 July 2015

The Municipal Manager
Overstrand Municipality
P O Box 20
HERMANUS
7200

Sir

ERF 3669, HERMANUS: PROPOSED DEPARTURE

Your letter dated 6 July 2015 has reference.

We've been instructed by the owners of Erf 3669 Hermanus, to respond to the letter of objection that was submitted to the above application (Refer Annexure).

Unfortunately the objector does not substantiate the objection with any motivation. It is therefore impossible to ascertain what the grounds of objection are. It is however important to take cognisance of the fact that the objector is the owner of Erf 5651, Hermanus. The aforementioned erf is located on the western boundary of Erf 3669, Hermanus (the subject property). The proposed departure is for the **eastern** lateral building line. The departure proposed on the aforementioned building line will therefore have no impact on the land use rights, privacy, etc of the objector's property.

The proposed departure will enable the applicant to construct a roof over an existing balcony. This balcony is situated on a 1.2 meter building line, which was applicable when the Hermanus Town Planning Scheme was still in effect. With the promulgation of the Overstrand Municipal Zoning Scheme, a 2 meter lateral building line applies for erven zoned as Residential Zone 1: Single Residential Zone and which are smaller than 400 m². The approval of the departure application will therefore not grant any land use rights that were not provided for in the Hermanus Town Planning Scheme.

We therefore maintain that the approval of the departure application will not have any negative impact on existing land use rights of surrounding property owners.

FILE NO:	ER 3669-Herm
SCAN NO:	41
COLLABORATOR NO:	823747

TP 27 JUL 2015

26 JUL 2015

The logo for WRAP (Waste Reduction and Recycling Action Plan) features three horizontal lines above the word "WRAP".

WRAP

We trust that you will find the above in order. Should you require any additional information within this regard, please do not hesitate to contact this office.

Yours faithfully

A handwritten signature in black ink, appearing to be "J. Pienaar", written over a horizontal line.

JOHANN PIENAAR
B.Art et Scien (Pr.Pln A/125/2009)


 WRAP

ANNEXURE A

POWER OF ATTORNEY

I, the undersigned

~~MJUT VAN WIJNGAARDEN~~ *Rene van Wijngaarden*ID NUMBER: 6205200020088

In my capacity as the owner of **ERF 3669, HERMANUS** hereby nominate, constitute and appoint Wright Approach Investments 136 CC (Reg No. 2002/060745/23) trading as Wright Approach (WRAP) Consultancy, with power of substitution, to be the duly authorised attorney and agent in name, place and stead, which may be necessary in order to sign documents and to perform all such acts which may be necessary in connection with:

THE SUBMISSION OF COMMENTS ON OBJECTIONS

and generally for effecting the purposes aforesaid, to do or cause to be done whatever shall be requisite, as fully and effectual, for all intents and purposes as I might or could do if personally present and acting herein - hereby ratifying, allowing, confirming, promising and agreeing to ratify, allow and confirm all and whatsoever my said Agent shall lawfully do, or cause to be done, by virtue of these presents.

SIGNED AT Vanderbijlpark ON THIS 21st DAY OF JULY 2015


 SIGNATURE



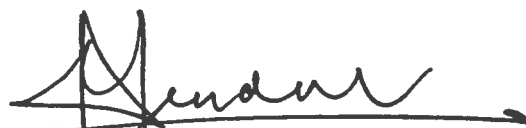
 WITNESS

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 3669, VOELKLIP (2917)**

Electricity : In order
Water : In order
Sewer : In order
Stormwater : In order
Roads and traffic : In order

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that stormwater be allowed to discharge through Erf 3669, Voelklip, unobstructed;
4. that no on-street parking be allowed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

5/6/2015
DATE